

SENATE BILL No. 328

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 11-13-1-3.5; IC 36-8-4-6.6; IC 36-8-9-9.

Synopsis: Police chief executive training program. After June 30, 2006, requires a city police chief or a town police chief of a metropolitan police department to attend the executive training program of the Indiana Association of Chiefs of Police if the Association's program curriculum meets the law enforcement training board's requirements and is approved by the board. Provides that if the Association's curriculum does not meet the board's requirements or the Association's program is not approved by the board, a police chief shall attend the executive training program conducted by the Indiana law enforcement academy. Allows a police chief's city or town to pay the tuition, mileage, meals, and lodging expenses incurred by the police chief in attending the executive training program.

Effective: Upon passage; July 1, 2006.

Merritt

January 10, 2006, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 328

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.2-2005,
2 SECTION 12, P.L.52-2005, SECTION 6, P.L.170-2005, SECTION 8,
3 AND P.L.227-2005, SECTION 2, IS CORRECTED AND AMENDED
4 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.
5 (a) The board shall adopt in accordance with IC 4-22-2 all necessary
6 rules to carry out the provisions of this chapter. ~~Such~~ The rules, which
7 shall be adopted only after necessary and proper investigation and
8 inquiry by the board, shall include the establishment of the following:
9 (1) Minimum standards of physical, educational, mental, and
10 moral fitness which shall govern the acceptance of any person for
11 training by any law enforcement training school or academy
12 meeting or exceeding the minimum standards established
13 pursuant to this chapter.
14 (2) Minimum standards for law enforcement training schools
15 administered by towns, cities, counties, **the Indiana Association**
16 **of Chiefs of Police**, ~~the northwest Indiana~~ law enforcement
17 training ~~center~~, centers, agencies, or departments of the state.



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(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers *not appointed for probationary terms but* appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the *law enforcement training* board.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which ~~in such cases~~ shall

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be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), ~~and (l), and (n);~~ (q), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy ~~at the southwest Indiana law enforcement training academy under section 10.5 of this chapter,~~ or at ~~the northwest Indiana~~ a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) *This subsection does not apply to a gaming agent employed as a law enforcement officer by the Indiana gaming commission.* Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, ~~the lawful use of force, and firearm qualification; the operation of an emergency vehicle.~~ The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of ~~at least~~ forty (40) hours of course work. The board may prepare ~~at the classroom part of the~~ pre-basic course ~~on videotape that must be used using available technology~~ in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30,

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1 1993, a law enforcement officer who has satisfactorily completed ~~the~~
 2 basic training and has been appointed to a law enforcement department
 3 or agency on either a full-time or part-time basis is not eligible for
 4 continued employment unless the officer satisfactorily completes ~~a~~
 5 ~~minimum of sixteen (16) hours each year of inservice training in any~~
 6 ~~subject area included in the law enforcement academy's basic training~~
 7 ~~course or other job related subjects that are approved by the board as~~
 8 ~~determined by the law enforcement department's or agency's needs; the~~
 9 ~~mandatory inservice training requirements established by rules~~
 10 ~~adopted by the board.~~ Inservice training must include training in
 11 interacting with persons with mental illness, addictive disorders,
 12 mental retardation, and developmental disabilities, to be provided by
 13 persons approved by the secretary of family and social services and the
 14 ~~law enforcement training board. In addition, a certified academy staff~~
 15 ~~may develop and make available inservice training programs on a~~
 16 ~~regional or local basis.~~ The board may approve courses offered by
 17 other public or private training entities, including colleges and
 18 universities, as necessary in order to ensure the availability of an
 19 adequate number of inservice training programs. The board may waive
 20 an officer's inservice training requirements if the board determines that
 21 the officer's reason for lacking the required amount of inservice
 22 training hours is due to ~~any~~ either of the following:

- 23 (1) An emergency situation.
- 24 (2) The unavailability of courses.

25 (h) The board shall also adopt rules establishing a town marshal
 26 basic training program, subject to the following:

- 27 (1) The program must require fewer hours of instruction and class
- 28 attendance and fewer courses of study than are required for the
- 29 mandated basic training program.
- 30 (2) Certain parts of the course materials may be studied by a
- 31 candidate at the candidate's home in order to fulfill requirements
- 32 of the program.
- 33 (3) Law enforcement officers successfully completing the
- 34 requirements of the program are eligible for appointment only in
- 35 towns employing the town marshal system (IC 36-5-7) and having
- 36 ~~no~~ not more than one (1) marshal and two (2) deputies.
- 37 (4) The limitation imposed by subdivision (3) does not apply to an
- 38 officer who has successfully completed the mandated basic
- 39 training program.
- 40 (5) The time limitations imposed by subsections (b) and (c) for
- 41 completing the training are also applicable to the town marshal
- 42 basic training program.

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(i) The board shall adopt rules under IC 4-22-2 to establish ~~a police chief~~ an executive training program. The *executive training* program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- ~~(6) Firearm policies.~~
- ~~(6) Lawful use of force.~~
- (7) Department programs.
- ~~(8) Emergency vehicle operation.~~
- ~~(9) Cultural diversity.~~

(j) A police chief shall apply for admission to:

(1) the police chief executive training program conducted by the Indiana Association of Chiefs of Police, if:

(A) the curriculum of the program referred to in this subdivision meets the requirements established by the board under subsection (i); and

(B) the program referred to in this subdivision is approved by the board; or

(2) the ~~police chief~~ executive training program conducted by the board under the rules adopted by the board under subsection (i);

within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the ~~police chief~~ executive training program within six (6) months of the date the police chief initially takes office. However, if space in the *executive training* program is not available at a time that will allow ~~the police chief to complete completion of~~ the *executive training* program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available *executive training* program that is offered ~~to the police chief~~ after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not *continue to* serve as the police chief until ~~the police chief has completed the police chief completion of the~~ *executive training* program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city; ~~and~~
- (2) the police chief of any town having a metropolitan police department; *and*

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(3) *the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.*

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the ~~police chief~~ executive training program.

(l) ~~An A fire investigator in the arson division of the office of the state fire marshal division of fire and building safety~~ appointed

~~(1) before January 1, 1994, is not required; or~~

~~(2) after December 31, 1993, is required~~

to comply with the basic training standards established under this ~~section~~ chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) *The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:*

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);

(3) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(4) completed a basic training course certified by the board before the officer is hired under subdivision (1).

(o) *An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:*

(1) arrest;

(2) search; and

(3) seizure.

(p) *A law enforcement officer who:*

(1) has completed a basic training course certified by the board; and

(2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer;

is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law

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enforcement powers.

~~(n)~~ **(q)** *This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:*

(1) the agent successfully completes the pre-basic course established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

SECTION 2. IC 36-8-4-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.6. (a) The police chief of a city shall attend a police executive training program as required by IC 5-2-1-9(j).**

(b) On presentation of proper charges or receipts and with the approval of the city executive, the city fiscal officer may issue a warrant for the following expenses of the police chief in attending the police chief executive training program:

(1) Tuition charged by the training school for the program.

(2) A sum for mileage, lodging, and meals.

SECTION 3. IC 36-8-9-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9. (a) The police chief of a town shall attend a police executive training program as required by IC 5-2-1-9(j).**

(b) On presentation of proper charges or receipts and with the approval of the town legislative body, the town fiscal officer may issue a warrant for the following expenses of the police chief in attending a police chief executive training program:

(1) Tuition charged by the training school for the program.

(2) A sum for mileage, lodging, and meals.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the law enforcement training board created by IC 5-2-1-3.**

(b) Notwithstanding IC 5-2-1-9, as amended upon passage by this act, the requirement for a police chief to apply for admission to and attend:

(1) the police chief executive training program conducted by the Indiana Association of Chiefs of Police, if:

(A) the program curriculum meets the requirements established by the board under IC 5-2-1-9(i); and

(B) the program is approved by the board; or

(2) the executive training program conducted by the board

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1 under IC 5-2-1-9(i), if the curriculum of the program referred
2 to in subdivision (1) does not meet the requirements
3 established under IC 5-2-1-9(i) or the program is not
4 approved by the board;
5 applies after June 30, 2006.
6 SECTION 5. An emergency is declared for this act.

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